



City of Marietta
Meeting Minutes
JUDICIAL/LEGISLATIVE COMMITTEE

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Philip M. Goldstein, Chairperson
Van Pearlberg
Jim King

Thursday, January 29, 2009

5:15 PM

Fourth Floor Conference Room

Immediately following Parks, Recreation & Tourism Committee

Presiding: Philip M. Goldstein

Present: Jim King and Van Pearlberg

Also Present:

Annette Lewis, Council - Ward 1

Grif Chalfant, Council - Ward 2

Holly Marie Walquist, Council - Ward 3

Rev. Anthony Coleman, Council - Ward 5

William F. Bruton, Jr., City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Chairman Philip M. Goldstein called the meeting to order at 8:07 p.m.

MINUTES:

20090011 Regular Meeting - December 29, 2008

Review and approval of the December 29, 2008 regular meeting minutes.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Approved. The motion carried by the following vote:

Vote: 3 - 0 - 0

Approved

BUSINESS:

20090084 Detailed Plan for Walton Communities, LLC 1650 Austell Road

Motion to approve the attached Revised Detailed Plan for Walton Communities according to the site plan identified as Legacy at Walton Village, Phase II, dated January 12, 2009, and the landscape plan labeled "Legacy Phase II" dated January 21, 2009, with the condition that all appropriate restrictions, including the age restriction, be filed with the deed. Further, that the deed be filed with the Superior Court prior to the issuance of any permits.

Motion to approve the request Revised Detail Plan for Walton Communities, Legacy at Walton Village Phase II, with the condition that all appropriate restrictions, including the age restriction, be filed with the deed. Further, that the deed be filed with the Superior Court prior to the issuance of any permits.

The motion was made by Council member Pearlberg, seconded by Council member King, that this matter be Recommended for Approval as Stipulated - Consent Agenda.

The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval as Stipulated -
Consent Agenda

20090090 Request to revise letter of stipulations regarding Manning Reserve

Motion to approve a request from John Elliott of Keeler Woods Joint Venture, LLC to revise paragraph #11 in the letter of stipulations dated March 21, 2006, from Garvis L. Sams, Jr. to Mr. Russell J. Roth, that was approved as part of the rezoning of 27.7 acres of property located on Manning Road by City Council on April 11, 2006 (Legistar # 20060323) also known as Manning Reserve. Paragraph 11 shall be revised as follows:

11. The Smith Manning House and the existing outbuildings shall remain situated on a 4.23 acre tract including, but not necessarily limited to, the following:

- a. The erection of protective fencing around the 4.23 acre tract during construction.
- b. The establishment of a 25' landscape buffer on those lots within the proposed residential community which are in direct contiguity to the 4.23 acre tract upon which the Smith-Manning House and its outbuildings are situated.
- c. Following recommendations from Cobb Landmarks or the City staff with respect to historic/interpretive/educational signage regarding the Smith-Manning House. The content, placement and configuration of said signage and markers (if any) shall be subject to the Mayor's and City Council's review and approval.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

20090096 Easement of City property by GracePointe Marietta

Discussion of proposal by GracePointe Marietta church for a landscape and sign easement on City property located at the North corner of Atlanta Street and East Dixie Avenue (281 E. Dixie and adjacent ROW).

This matter was Tabled.

20081281 Sign Ordinance Revision

Discussion regarding electronic reader boards and off premise signs

Motion to authorize advertisement of proposed amendments to the Sign Ordinance.

The motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 2 - 1 - 0

Recommended for Approval - Consent Agenda

Vote Against: 1 - Philip M. Goldstein

20090089 Discussion of the Housing Code related to the number of persons living in one residence.

Discussion of the Housing Code related to the number of persons living in one residence.

This matter was Discussed.

20090091 Discussion regarding possible amendments to the noise ordinance

Discussion regarding possible amendments to the noise ordinance.

This matter was Tabled.

20090159 Executive Session

Executive Session to discuss Personnel, Legal and/or Real Estate matters.

The motion was made in open session by Council member King, seconded by Council member Pearlberg, to enter an Executive Session to discuss legal and personnel matters. The motion carried by the following vote:

Vote: 3 - 0 - 0

Approved

For: Van Pearlberg, James W. King, and Philip M. Goldstein

The Executive Session was held (the Chairman's affidavit is attached hereto as Attachment A).

A motion was made in open session by Council member King, seconded by Council member Pearlberg, to close the Executive Session. The motion carried by the following vote:

Vote: 3 - 0 - 0

Approved

For: Van Pearlberg, James W. King, and Philip M. Goldstein

ADJOURNMENT:

The meeting was adjourned at 11:03 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____